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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce A. Fogelson Art Unit: 3627
Serial No.: 09/483,579
Filed: January 14, 2000
For: BUILDERS ON-LINE ASSISTANT
Attorney
Docket No.: 77752

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GROUP 3600

DECLARATION OF BRUCE A. FOGELSON

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, BRUCE A. FOGELSON, am the named inventor in the above-identified application and make the following statements based upon my own personal knowledge and experience.

- (1) My family has been involved in the home-building industry for 3 generations and I am an award winning homebuilder & developer on my own.
- (2) I received a BSBA degree in 1983 from the University of Denver in Real Estate, Development and Finance.
- (3) I have been a licensed real estate broker since 1984 and was an active broker from 1984 to 1988. I have worked in many aspects of real estate including for Chicago's largest home builder at the time from 1989-90.
- (4) Since 1988, I have been president of Paramount Homes, Inc. an award winning Chicago builder.

Paramount Homes has won the Chicago Realtor's "Good Neighbor Award" for many types of best new construction/developments every year since 1992.

- (5) I am a founding member of the Chicago chapter of the Home Builders Association and a board member and industry leader since its 1993 inception.
- (6) Long-prior to 1999, I realized that builder's and sub-contractors showrooms for buyer selections and upgrades were expensive and inconvenient for builder, customer and sub-contractors alike.
- (7) One of my many early efforts to alleviate this problem was to develop a printed "guide-book" to consolidate selections and guide the selections process. (Another "guide-book" consolidated the contract, sale, closing and move-in process.)
- (8) Prior to 1999, I began to search for an alternative to the "showrooms" approach used by many builders and to expand my own "guide-book" approach.
- (9) Prior to 1999, I conceived the idea of providing a builder's or contractor's "showroom" and/or an accompanying "guide-book" type catalogue that operated on a commission basis for me and other builders & sub-contractors (ie for trades-people & vendors for products such as fixtures, cabinets, flooring, trim, etc.) .
- (10) Prior to 1999, I conceived the idea of providing a virtual builder's showroom through a website.
- (11) My original idea of the virtual builder's showroom conceived prior to 1999 of providing a virtual showroom through a website included many other benefits to the builder(s), buyer(s) and entire building industry. Among these benefits were flexible economies of scale and work-flow, coordination of related products and services and multi-lateral communications through the features of this computer-automated and internet based medium, to name a few.
- (12) By April, 1999 I prepared notes, outlines and

tables delineating and memorializing my ideas for a virtual builder's showroom through a web-site which would function both for my own business and as its own business in the service of other builders, typical builder-customers and sub-contractors.

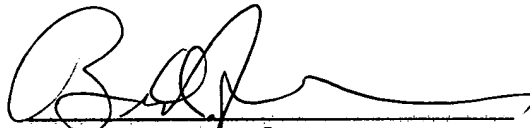
- (13) In April 1999, I ordered and supervised the preparation of a Power Point slide presentation attached as Exhibit I (dated 4/99) that shows some of the salient features of my invention.
- (14) In June 1999, I ordered and supervised the preparation of a revised Power Point slide presentation attached as Exhibit II (dated 6/99) that shows further clarification and development of the features of my invention.
- (15) In July and August 1999 I began to name the invention and begin to secure website names applicable to the business of the invention. By August 11 1999, I had registered such names as: "NewHomeBuyers.com", "NewHomeSourceBook.com", "HomeBuyerSource.com", "OnLineAssistant.net", "BuildersDepo.com" with the Internet registration service called InterNIC Registration Service. These web-name registrations are supported in Exhibit III by the initial registration dates shown under the "Period Covered" heading. I eventually secured over 50 viable web-names so as to be able to expand this business concept and secure brand-names in the field of use. For this type of invention and business it was important to secure a name to create brand-name and identity. For this web-business the naming is important since the "web-name(s)" is the same as the "on-line address" (and the business can have multiple "on-line names" or "Web-addresses"). It was also necessary to secure a name as an early step to developing the web-site, images and related internet services as a platform to build the business identity. The secured web-names were not put into service until after the filing date of the above-identified patent application.
- (16) By at least April of 1999, conception of my invention was complete and I have practiced due

diligence in reducing my invention to practice from April of 1999 to the filing date of above-identified patent application on January 14, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

1-17-03



Bruce A. Fogelson